

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSTY RICHARD DAVIES,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA, et al.,

Defendants.

Civil Action No. 07-67 Erie

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on April 9, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 4], filed on May 17, 2007, recommended that the action be dismissed for failure to prosecute. Petitioner was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> day of June, 2007;

IT IS HEREBY ORDERED that this action is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 4] of Magistrate Judge Baxter, filed on May 17, 2007, is adopted as the opinion of the Court. The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge